



# BOARD OF INQUIRY (*Human Rights Code*)

Library

IN THE MATTER OF the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, as amended;

AND IN THE MATTER OF the complaint by Idris Ibrahim dated March 19, 1990, alleging discrimination in accomodation on the basis of ethnic origin, citizenship and receipt of public assistance.

B E T W E E N :

Ontario Human Rights Commission

- and -

Idris Ibrahim

Complainant

- and -

Wedgewood Building Corporation  
and Nessie Spiers-Foster

Respondents

## DECISION

Adjudicator : Mary Anne McKellar

Date : March 13, 1997

Board File No: BI-0106-96

Decision No : 97-008

**RECEIVED**  
LIBRARY

MAR 14 1997

PAY EQUITY COMMISSION  
150 EGLINTON AVE. E., 6TH FL.  
TORONTO, ONT. M4P 1E8

Board of Inquiry (*Human Rights Code*)

150 Eglinton Avenue East

5th Floor, Toronto ON M4P 1E8

Phone (416) 314-0004 Toll free 1-800-668-3946 Fax: (416) 314-8743

TTY: (416) 314-2379 TTY Tollfree: 1-800-424-1168



## APPEARANCES

Ontario Human Rights Commission	)	Lisa Cirillo, Student-At-Law
	)	
	)	

Idris Ibrahim, Complainant	)	Mary Truemner, Counsel
	)	
	)	

Wedgewood Building Corporation, Corporate Respondent	)	John Steen Bakker, Jr.
	)	President of Corporation
	)	Pierre Bernier, Vice-President
	)	

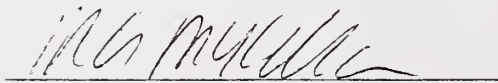
Nessie Spiers-Foster, Personal Respondent	)	Lyon Gilbert, Counsel
	)	
	)	



1. This hearing was commenced by conference call on October 18, 1996, but adjourned because neither of the Respondents was participating and it appeared that they had not received notice of the proceedings. A second conference call was convened on November 7, 1996. The Personal Respondent did not participate and I was informed that she had not been served with notice of the proceedings because she could not be located. Mr. Bernier was served with the notice on behalf of the Corporate Respondent. He participated in the conference call, although he denied any subsisting relationship with the Corporate Respondent.
2. The Ontario Human Rights Commission ("the Commission") indicated at the second conference call that it would not be calling any evidence with respect to the complaint. Counsel for the Complainant subsequently objected in writing to the Commission's proceeding in this fashion, and a hearing to deal with the motion arising out of this issue was scheduled for December 20, 1996. In the meantime, the Personal Respondent was located and served with notice of the proceedings.
3. By letter dated December 17, 1996, Counsel for the Complainant indicated that she was no longer acting for him, and that he was withdrawing his complaint. The December 20, 1996 hearing was cancelled. In view of the fact that neither of the customary pursuing parties, the Commission or the Complainant, wished the matter to be adjudicated, the parties were advised by letter dated February 3, 1997, that the matter would be dismissed. It is hereby dismissed.

4. Mr. Bernier has invoiced the Board of Inquiry in respect of the time he has spent participating in conference calls pertaining to this matter. He was provided with notice and an opportunity to participate because it appeared that he might have a legal interest in the outcome based on his relationship to the Corporate Respondent at the time of the alleged contravention of the *Code*. His participation was voluntary and was in furtherance of his own interests, not those of the Board of Inquiry. A party is not entitled to be compensated by a tribunal where it acts in furtherance of its own interests by spending time participating in a proceeding. Nor does the Board of Inquiry have the statutory authority to compensate him in any event.

Dated at Toronto this 13th day of March, 1997:



Mary Anne McKellar  
Member, Board of Inquiry